

## REMARKS

Reconsideration and allowance of this application are respectfully requested in light of the above amendments and the following remarks.

Claims 13-26 have been canceled in favor of new claims 27-32. Support for the subject matter of the new claims is provided at least in paragraphs 30, 65, 77, 80, 81, 85, and 87 of the published application.

Claims 13-17 and 20-26 were rejected, under 35 USC §102(b), as being anticipated by Li et al. (US 2002/0119781). Claims 18 and 19 were rejected, under 35 USC §103(a), as being unpatentable over Li in view of Chen et al. (US 2002/0067701). To the extent these rejections may be deemed applicable to new claims 27-32, the Applicant respectfully traverses based on the points set forth below.

Claim 27 defines a base station that simultaneously transmits first allocation information and second allocation information from a base station to a mobile station. The second allocation information indicates the destination of user data, which is transmitted from the base station to the mobile station, and the first allocation information indicates resources allocated for ACK/NACK signals, which signals the mobile station returns to the base station in response to the user data. The claimed subject matter provides an advantage of improving data throughput, for the reason discussed below.

In a case where the first and second allocation information are not transmitted simultaneously, if the second allocation alone is lost, the mobile station will be unable to acquire the user data and, therefore, a retransmission will occur. On the other hand, if the first allocation

information alone is lost, the mobile station may acquire user data but, nevertheless, will be unable to send an ACK signal to the base station and, therefore, a retransmission will occur.

Thus, whether the first allocation information alone or the second allocation information alone is lost, a retransmission will occur. And if the first and second allocation information are transmitted at separate times, the loss of allocation information will occur more often due to the greater number of transmissions. As a result, the number of retransmissions will increase and throughput will decrease.

The claimed invention overcomes this problem by simultaneously transmitting the first and second allocation information.

By contrast to the claimed subject matter, Li discloses a mobile station that identifies, for a base station, a group of candidate subcarriers having advantageous reception sensitivity so that the base station may select, from the candidates, subcarriers to allocate to the mobile station (see Li paragraphs [0023]-[0027]). Chen is cited in the Office Action for disclosing the transmission of power control commands (see Office Action page 7, second to last paragraph). It is submitted that this is not the same as, or similar to, the claimed subject matter of simultaneously transmitting first and second allocation information, in which the first allocation information indicates resources allocated for ACK/NACK signals and the second allocation information indicates the destination of user data.

Accordingly, the Applicant submits that Li and Chen, considered individually or in combination, do not anticipate or render obvious the subject matter defined by new claim 27. Independent claim 30 similarly recites the above-mentioned subject matter distinguishing

apparatus claim 27 from the applied references, but with respect to a method. Therefore, allowance of claims 27 and 30 and all claims dependent therefrom is warranted.

Dependent claims 29 and 32 recite encoding the first and second allocation information together. This subject matter further supports reducing the likelihood that only one of the first and second allocation information will be lost, thereby improving data throughput. Li and Chen do not disclose this feature. Therefore, allowance of claims 29 and 32 is deemed to be warranted for this independent reason.

In view of the above, it is submitted that this application is in condition for allowance and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,

/James Edward Ledbetter/

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JEL/DWW/att

James E. Ledbetter  
Registration No. 28,732

Attorney Docket No. 009289-05198  
Dickinson Wright, PLLC  
1901 L Street, N.W., Suite 800  
Washington, D.C.  
20036-3506  
Telephone: (202) 457-0160  
Facsimile: (202) 659-1559